

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 10' wide **drainage easement** located at 8648 Alico Road, Fort Myers, Florida. (Case No. VAC2003-00035)

WHY ACTION IS NECESSARY: In order to expand the gas station already existing on this site. **The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage or utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the Drainage Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 05

5:00 #6

3. MEETING DATE:

10-14-2003


4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY:  9/30/03
- Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on **October 14th, 2003**.

LOCATION: Petition No. VAC2003-00035 proposes to vacate a ten-foot (10') wide **Drainage Easement** centered on the lot line common to Lots 18 and 19, Block 202, Unit 16, San Carlos Park Subdivision, as recorded at Official Record Book 104, Page 537, in the public records of Lee County, Florida, located in Section 9, Township 46 South, Range 25 East.

The site is located at 8648 Alico Road, Fort Myers, Florida, 33912.


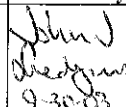
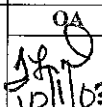
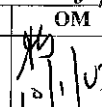
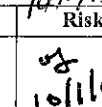
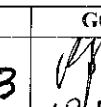
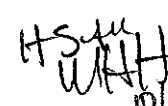
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Resolution with exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					QA	OM	Risk	GC	
	N/A	N/A	N/A	 9-30-03	 10/1/03	 10/1/03	 10/1/03	 10/1/03	 10/2/03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/30/03
Time: 4:14 PM
Forwarded To: Co. Adm.
10/1/03 9AM

RECEIVED BY
COUNTY ADMIN: TD
10/1
9:20 am SL
COUNTY ADMIN
FORWARDED TO: HSJ
10/2/03

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2003-00035

WHEREAS, Petitioner, **Site Oil Company of Missouri**

in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate at 5:00 p.m. on **October 14th, 2003**; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2003-00035 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this October 14th, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

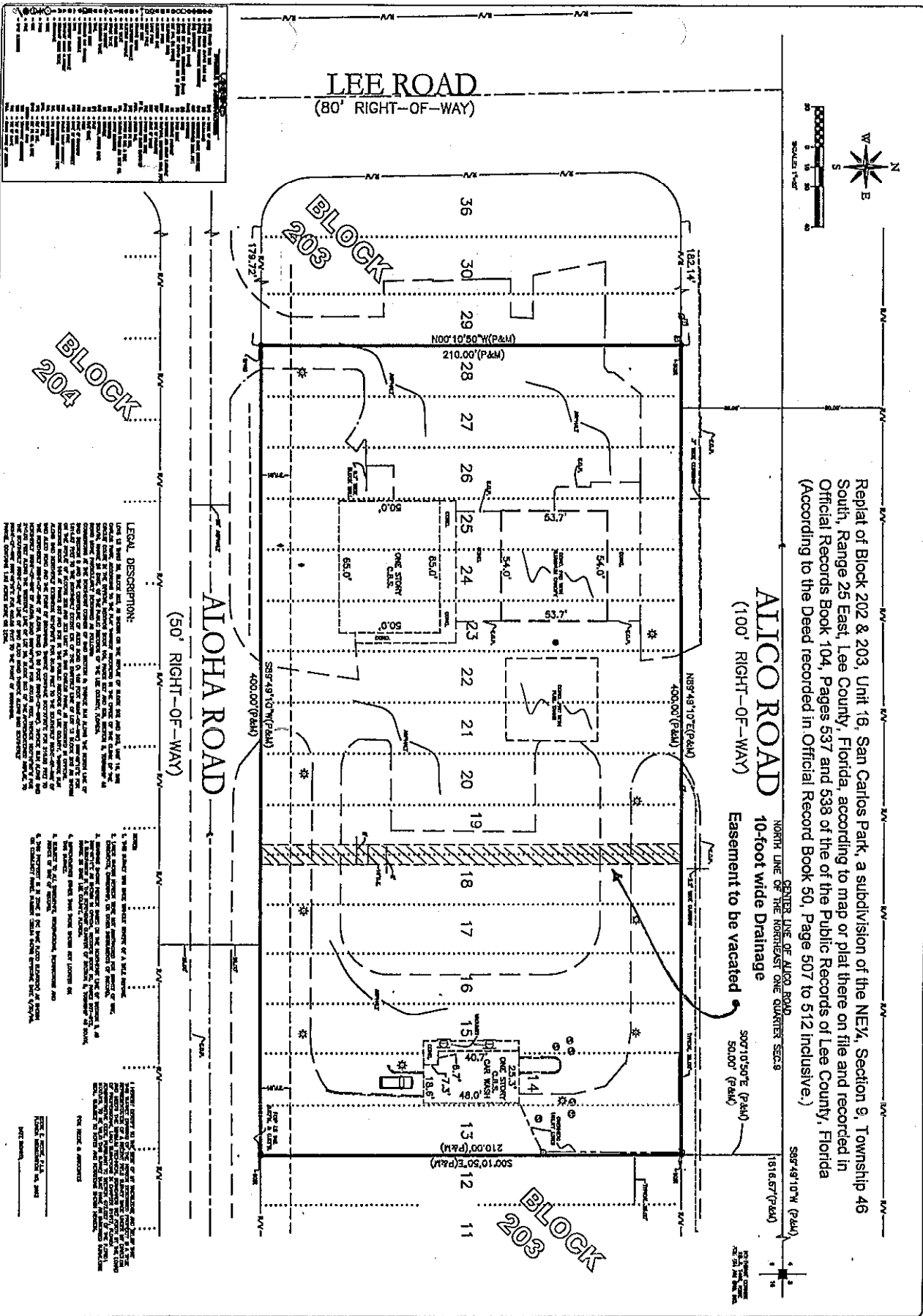
County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00035

Legal description of a Drainage Easement to be vacated:

A ten-foot (10') wide **Drainage Easement** centered on the common line between Lots 18 and 19 of Block 203, Unit 16 of the Replat of Block 202 & 203, Unit 16, San Carlos Park, a subdivision of the NE¼, Section 9, Township 46 South, Range 25 East, Lee County, Florida, according to map or plat there on file and recorded in Official Records Book 104, Pages 537 and 538 of the of the Public Records of Lee County, Florida (According to the Deed recorded in Official Record Book 50, Page 507 to 512 inclusive.)



BOUNDARY SURVEY
OF
SITE OIL
FOR
SITE OIL COMPANY OF MISSOURI
15641 Mesa Parkway
Fort Myers, Florida 33912

DATE: 04/24/03
BY: [Signature]
CHECKED: [Signature]
DRAWN BY: [Signature]

Neese & Associates
Civil Engineering & Land Surveying
15641 Mesa Parkway
Fort Myers, Florida 33912
941-768-0077
Fax 941-768-3451

EXHIBIT B
Petition to Vacate
VAC2003-00035